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PATENT 02.21.03

Attorney Docket No.: VEK-001.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Knight, Stephen C.

Application No: 09/938,295

Filed: August 23, 2001

For: RECRUITING A PATIENT INTO A  
CLINICAL TRIAL

Examiner: Not Yet Assigned

Art Unit: 2161

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GROUP 3600

**CERTIFICATE OF FIRST CLASS MAILING**

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Kerry N. Richard

Kerry N. Richard

Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Information Disclosure Statement Under 37 CFR 1.97 (1 pg.);
3. Information Disclosure Statement By Applicant (Form 1449A) (1 pg.);
4. International Search Report (4 pages); —
5. Reference AA - AE; and
6. Return Receipt Postcard.

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## TRANSMITTAL FORM

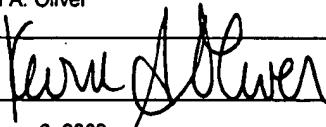
(to be used for all correspondence after initial filing)

Application Number	09/938,295
Filing Date	August 23/00
First Named Inventor	Knight, Stephen C.
Group Art Unit	2161 FEB 13 2003
Examiner Name	NYA GROUP 3600
Attorney Docket Number	VEK-001.01

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Information Disclosure Statement Under 37 CFR 1.97; Copy of Search Report; References AA - AE; Certificate of First Class Mailing; and Return Receipt Postcard</b>
<input checked="" type="checkbox"/> Information Disclosure Statement by Applicant (Form 1449A)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	<b>Customer No 25181</b>

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kevin A. Oliver
Signature	
Date	February 6, 2003



PATENT  
Attorney Docket No.: VEK-001.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Knight, Stephen C.  
Application No: 09/938,295  
Filed: August 23, 2001  
For: Recruiting a Patient into a Clinical Trial

Examiner: Not Yet Assigned  
Art Unit: 2161

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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Commissioner for Patents  
Washington, DC 20231

Sir:

In compliance with the requirements of 37 C.F.R. 1.56, submitted herewith on Form PTO-1449A is a list of publications identified in an International Search Report (ISR) in a counterpart PCT application; a copy of each publication is being submitted herewith. This submission is provided before a first office action on the merits.

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our Deposit Account No. 06-1448, Reference VEK-001.01.

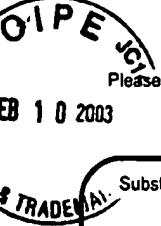
Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1241.

Respectfully Submitted,

Kevin A. Oliver  
Reg. No. 42,049

Date: February 6, 2003

Customer No: 25181  
Patent Group  
Foley, Hoag LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2600



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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

**C mplete if Known**

Application Number	09/938,295
Filing Date	August 23, 2001
First Named Inventor	Knight, Stephen C.
Group Art Unit	2161
Examiner Name	NYA
Attorney Docket Number	VEK-001.01

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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
RP	AA	WO	98 39720		University of Florida	09/11/1998		
RP	AB	EP	0 936 566		Siemens, AG	08/18/1999		
RP	AC	WO	98 49647		Medical Science Systems, Inc.	11/05/1998		
RP	AD	WO	01 55942		Florin, Lawrence B., et al.	08/02/2001		

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AE	• KING, CHESTER, ET AL., "MEDUS/A: Distributing Database Management for Medical Research" Computer Networks. Washington, September 20 - 23, 1982 Digest of Papers from Compcon. Fall, Computer Society International Conference, New York, I.E.E.E., US, vol. CONF. 25, 09-20/1982, pages 635-642.	

Examiner Signature

Rachel A. Post

Date Considered

March 19, 2003

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Knight

Application No: 09/938,295

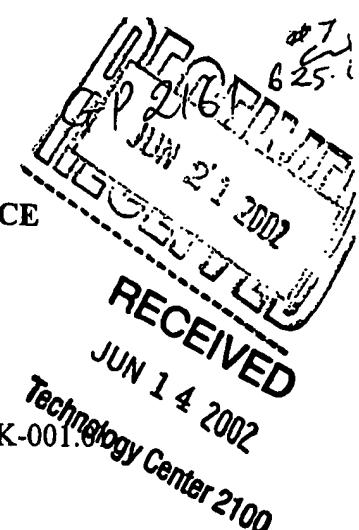
Filed: August 23, 2001

For: Recruiting a Patient into a Clinical Trial

Examiner: To Be Assigned

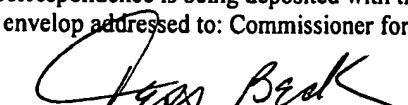
Art Unit: 2161

Attorney Document No. VEK-001



**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on 5 June 2002:

  
Tess Beck

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)(3)**

Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their agent in compliance with the requirements of 37 CFR §1.56. Copies of the documents are also submitted.

This Information Disclosure Statement is being submitted before the mailing date of a first action on the merits; therefore, no fee is due.

Applicants respectfully request that the Examiner consider the listed documents and indicate that each was considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the cited documents as prior art against any claim in the application and Applicants determine that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of said document.

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Applicants further reserve the right to take appropriate action to establish the patentability of the claims over the listed documents, should the cited documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account, No. 06-1448.

Date: June 5, 2002

Respectfully submitted,

FOLEY HOAG LLP

By:

  
Scott E. Kamholz, M.D., Ph.D.

Reg. No. 48,543

Applicants' Agent

**Customer No.: 25181**

Patent Group  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600  
Voice: (617) 832-1000  
Facsimile: (617) 832-7000

Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <small>(Use several sheets if necessary)</small> JUN 11 2002 PATENT & TRADEMARK OFFICE U.S. GOVERNMENT		Docket Number (Optional) VEK-001.01		Application Number 09/938,295		
		Applicant Stephen Knight				
		Filing Date August 23, 2001		Group Art Unit		
						RECEIVED JUN 14 2002 Technology Center GROUP 3600
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER NAME	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
RP	AA 5,991,731	11/23/99	Colon et al.	705	3	02/01/99
RP	AB 5,734,883	03/31/98	Umen et al.	395	601	04/27/95
RP	AC US 2002/00022474 A1	01/03/02	Michelson et al.	705	3	08/08/01
RP	BA US 2001/0034631 A1	10/25/01	Kiselik	705	8	01/19/01
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO
RP	AD WO 01/55942 A1	08/02/01	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages Etc.)</b>						
RP	AE	ReSearch Clinical Services Signs Exclusive Agreement With Healthdemographics				
RP	AF	Advance Paradigm Announces Interactive Web Site; Features Secure, Convenient Member Access to Pharmacy Benefit Management and Information Services				
	AG	Quintiles Invests In Physicians' Online, the Leading Online Service for Doctors				
	AH	Object Products, Inc. to Demonstrate Clinical Trials Patient Recruitment Solution at HIMSS				
	AI	Keratoconus patients recruited via Web				
	AJ	American Oncology Resources Launches First System to Match Cancer				
	AK	Hospital Web Site Earns Physician Respect With Clinical Trials Section				
	AL	Internet (Clinical Trials) New Software Means Paperless Clinical Trials, Quicker Cures				
	AM	CenterWatch Launches Service to Help Patients Access NIH Clinical Trials				
↓	AN	DrugMonitor.com Launches Web Site to Advance Clinical Trial Participation				
RP	AO	drkoop.com & Quintiles Launch Service to Recruit Clinical Trial Patients on the Internet; Quintile-drkoop.com Clinical Trials Information Center Expands Awareness and Availability of Clinical Trials as a Treatment Option for Consumers; Service Harnesses Power of the Internet to Accelerate Enrollment of Qualified Patients, Increasing Speed and Efficiency of Drug Development Process; Center is First Consumer On-Line Service With Interactive Pre-Screening, Enrollment Tracking Features				
EXAMINER				DATE CONSIDERED <i>Received by [Signature]</i> March 19, 2003		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						

Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> O 1 P (Use several sheets if necessary)		Docket Number (Optional) VEK-001.01	Application Number 09/938,295
		Applicant Stephen Knight	
		Filing Date August 23, 2001	Group Art Unit
<b>FOREIGN PATENT DOCUMENTS</b>			
PP	AP	'America's Doctor to Begin Clinical Trials Program	
RP	AQ	'drkoop.com "Clinical Trials" web site (17 pages)	
RP	AS	'Centerwatch.com "CenterWatch Patient Notification Service" web site (2 pages)	
EXAMINER	<i>Rachel A. Rist</i>		DATE CONSIDERED <i>June 19, 2002</i>
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.			

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